

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

MERRIMACK MUTUAL FIRE  
INSURANCE COMPANY, a/s/o/ JOHN  
McDONOUGH

Plaintiff,

v.

APPLICA CONSUMER PRODUCTS, INC.,  
Defendant.

CIVIL ACTION NO. 04CV10091-MBB

11/24/04 P:12 C3  
DISTRICT OF MASS.

**MOTION TO ADMIT MICHAEL O'BRIEN PRO HAC VICE**

Pursuant to Local Rule 83.5.3(b), Defendant Applica Consumer Products, Inc., ("Applica"), by and through its counsel, respectfully moves this Court to admit H. Michael O'Brien, Esquire, *pro hac vice* as co-counsel for Applica in the above-captioned matter. The grounds for this motion are as follows:

1. Mr. O'Brien is a member in good standing of every bar in which he has been admitted to practice with the exception of New Jersey, where he relinquished his license because he no longer resided within the state. (See Affidavit of H. Michael O'Brien ("O'Brien Aff."), submitted herewith, at ¶ 2).

2. Mr. O'Brien has been admitted to practice before the Supreme Court of New Jersey, the United States District Court for the District of New Jersey, the Supreme Court of New York, the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, and the United States District Court for the Northern District of New York. (O'Brien Aff. at ¶ 2).

3. There are no disciplinary proceedings pending against Mr. O'Brien as a member of the bar of any jurisdiction in which he is admitted. (O'Brien Aff. at ¶ 3).

4. Mr. O'Brien is familiar with the Local Rules of this Court. (O'Brien Aff. at ¶ 4).

5. Mr. O'Brien is familiar with Applica and the issues in this lawsuit. Mr. O'Brien's appearance and participation in this matter as co-counsel with Maynard M. Kirpalani, Esq. of Wilson, Elser, Moskowitz, Edelman & Dicker LLP is necessary for the proper and effective representation of Applica. (O'Brien Aff. at ¶ 5).

6. This motion is made by Geoffrey M. Coan, Esq., a member of the bar of this Court who has filed an appearance in this matter.

**WHEREFORE**, Applica Consumer Products, Inc., by and through its counsel, moves this Court to admit H. Michael O'Brien *pro hac vice* for the purpose of acting as co-counsel for Applica in this litigation.

Respectfully submitted,  
APPLICA CONSUMER PRODUCTS INC.,  
By its attorneys,

By Geoffrey M. Coan  
Maynard M. Kirpalani, BBO# 273490  
Geoffrey M. Coan, BBO# 641998  
Wilson, Elser, Moskowitz Edelman &  
Dicker LLP  
155 Federal Street  
Boston, Massachusetts 02110  
(617) 422-5300

Dated: November 24, 2004

**CERTIFICATE OF SERVICE**

I, Geoffrey M. Coan, do hereby certify that I have served the within **Motion to Admit H. Michael O'Brien Pro Hac Vice** by first class mail, postage prepaid to all parties of record.

  
Geoffrey M. Coan